

AMENDED IN ASSEMBLY AUGUST 4, 2014
AMENDED IN ASSEMBLY JULY 2, 2014
AMENDED IN ASSEMBLY JUNE 25, 2014
AMENDED IN ASSEMBLY JUNE 17, 2014
AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN ASSEMBLY AUGUST 15, 2013
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN ASSEMBLY JUNE 27, 2013
AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code, relating to alcohol and drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. Advanced Alcohol and Drug Licensing Act.

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various programs to eliminate alcohol and drug abuse, and states the finding of the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would establish licensure and registration provisions relating to advanced alcohol and drug counselors and advanced alcohol and drug counselor interns, respectively, to be administered by the newly created Advanced Alcohol and Drug Counselor Licensing Board within the Department of Consumer ~~Affairs, and Affairs~~. *The bill* would authorize the board to commence issuing these licenses and registrations on January 1, ~~2017~~ 2018. The bill would make it a misdemeanor for a person to style himself or herself or to hold himself or herself out to be a licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, without holding a license or registration in good standing under these ~~provisions, and commencing on January 1, 2017, it provisions~~. *The bill would be also make it unlawful for a person to operate an individual private practice for alcohol and drug treatment or engage in the practice of alcohol and drug counseling outside of a licensed or certified an alcohol and drug treatment facility or program, or DUI program, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under these provisions. The bill would require a licensed alcohol and drug counselor working in a private practice setting to refer all clients to prescribed professionals, within 14 30 days of intake, to assess any co-occurring co-occurring needs or disorders. Because the bill would create a new crime, it would impose a state-mandated local program.*

This bill would authorize the board to assess related fees and penalties to be deposited into the Advanced Alcohol and Drug Counselors License Fund available, upon appropriation by the Legislature, to the board for the purposes of supporting licensing and registration activities *pursuant to these provisions*. The bill would set various licensing and registration fees, until the board establishes different fees by regulation, *as specified*.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The Legislature finds and declares all of the*
2 *following:*

3 (1) *Substance use disorder is ranked in the top five clinically*
4 *preventable burdens on health care spending.*

5 (2) *The level of health care services used by addicts before*
6 *receiving treatment is more than double that of nonaddicts. It has*
7 *been shown that after 12 months of treatment of substance use*
8 *disorders, the levels of health care services used return to almost*
9 *average.*

10 (3) *There are an estimated 3.5 million persons with diagnosable*
11 *substance use disorders in California and a limited number of*
12 *available practitioners to treat addiction in California.*

13 (4) *Substance use disorder can be treated in a cost-effective*
14 *manner in its earliest stages in a private practice environment.*

15 (5) *The federal Patient Protection and Affordable Care Act*
16 *(Public Law 111-148) mandates substance disorder treatment as*
17 *an essential benefit.*

18 (6) *The need for qualified, competent substance disorder*
19 *treatment professionals will continue to rise throughout the next*
20 *decade.*

21 (b) *Therefore, it is the intent of the Legislature in enacting this*
22 *act to establish a license for alcohol and drug counselors so that*
23 *all of the following may occur:*

24 (1) *Access to substance use treatment services can be expanded.*

25 (2) *Additional licensed professionals needed to successfully*
26 *implement the federal Patient Protection and Affordable Care Act*
27 *(Public Law 111-148) can supplement the workforce.*

28 (3) *Those seeking treatment for substance use disorders in*
29 *California will find a coordinated system of care in which “no*
30 *wrong door” is found in response to accessing this care.*

31 ~~SECTION 1.~~

32 SEC. 2. Chapter 9.7 (commencing with Section 4450) is added
33 to Division 2 of the Business and Professions Code, to read:

1 CHAPTER 9.7. ADVANCED ALCOHOL AND DRUG COUNSELOR
2 LICENSING AND ADVANCED ALCOHOL AND DRUG COUNSELOR
3 INTERN REGISTRATION
4

5 Article 1. General Provisions
6

7 4450. (a) This chapter shall be known, and may be cited, as
8 the Advanced Alcohol and Drug Counselor Licensing Act.

9 (b) This chapter shall be liberally construed to achieve its
10 objectives.

11 4450.1. For purposes of this chapter, the following definitions
12 apply:

13 (a) “Advanced alcohol and drug counselor intern” or “AADCI”
14 means an unlicensed person who has fulfilled the testing and
15 education requirements in Section 4453 to become licensed, who
16 is seeking to meet the supervised experience requirements of this
17 chapter, and is registered with the board for this purpose.

18 (b) “Advertise” includes, but is not limited to, the issuance of
19 any card, sign, or device to any person, or the causing, permitting,
20 or allowing of any sign or marking on or in any building or
21 structure, or in any newspaper or magazine or in any directory, or
22 any printed matter, with or without any limiting qualification.
23 Advertising also includes business solicitations communicated by
24 radio or television broadcasting, the Internet, or any other electronic
25 medium.

26 (c) “Board” means the Advanced Alcohol and Drug Counselor
27 Licensing Board.

28 (d) “Clinical supervision” means the ongoing process performed
29 by a supervisor, or monitoring the performance of one or more
30 supervisees to ensure high-quality service delivery across domains
31 of alcohol and drug counselor development, professional and
32 ethical standards, program development, quality assurance,
33 performance evaluation, and administration.

34 (e) “Clock hour” means 50 continuous minutes of instruction.
35 Fifteen clock hours is equal to one semester unit of college credit.

36 (f) “Department” means the Department of Consumer Affairs.

37 (g) “Director” means the Director of Consumer Affairs.

38 (h) “Independent counseling practice” means an individual or
39 individuals who are licensed pursuant to terms of this chapter to
40 engage in the practice of alcohol and drug counseling, as defined

1 in Section 4454, ~~in a setting outside of a licensed or certified~~
2 ~~facility. and are self-employed on a full-time or part-time basis~~
3 ~~and are responsible for that independent practice.~~

4 (i) “IC&RC” means the International Certification and
5 Reciprocity Consortium.

6 (j) “Licensed advanced alcohol and drug counselor” or
7 “LAADC” means a person licensed by the board pursuant to
8 Section 4453.1 or 4453.2 to practice alcohol and drug counseling,
9 who may provide clinical supervision to registered interns in the
10 State of California, and who may maintain an independent alcohol
11 and drug counseling practice outside of a program licensed or
12 certified by the state to provide alcohol and drug treatment services.

13 (k) “Student” means an unlicensed person who is currently
14 enrolled in a master’s or doctoral degree program, as specified in
15 paragraph (1) of subdivision (a) of Section 4453.2 that is designed
16 to qualify him or her for licensure under this chapter.

17
18 Article 2. The Advanced Alcohol and Drug Counselor Licensing
19 Board
20

21 4451. (a) There is in the Department of Consumer Affairs, the
22 Advanced Alcohol and Drug Counselor Licensing Board that
23 consists of the following members:

24 (1) Five state licensed advanced alcohol and drug counselors.

25 (2) Six public members.

26 (b) Each member, except the six public members, shall have at
27 least two years of experience in his or her profession.

28 (c) Each member shall reside in the State of California.

29 (d) *One public member shall be a licensed physician and*
30 *surgeon who specializes in addiction medicine.*

31 ~~(d)~~

32 (e) (1) The Governor shall appoint four of the public members
33 and the five licensed members with the advice and consent of the
34 Senate.

35 (2) The Senate Committee on Rules shall appoint one public
36 member.

37 (3) The Speaker of the Assembly shall appoint one public
38 member.

39 (e)

1 (f) From the commencement of appointments and until licenses
2 for advanced alcohol and drug counselors are issued, the Governor
3 shall appoint alcohol and drug addiction counselors certified by a
4 certifying organization recognized by the department.

5 ~~(f)~~

6 (g) Each member of the board shall be appointed for a term of
7 four years.

8 (1) A member appointed by the Speaker of the Assembly or the
9 Senate Committee on Rules shall hold office until the appointment
10 and qualification of his or her successor or until one year from the
11 expiration date of the term for which he or she was appointed,
12 whichever occurs first.

13 (2) Pursuant to Section 1774 of the Government Code, a member
14 appointed by the Governor shall hold office until the appointment
15 and qualification of his or her successor or until 60 days from the
16 expiration date of the term for which he or she was appointed,
17 whichever occurs first.

18 ~~(g)~~

19 (h) A vacancy on the board shall be filled by appointment for
20 the unexpired term by the authority who appointed the member
21 whose membership was vacated.

22 ~~(h)~~

23 (i) Not later than the first of June of each calendar year, the
24 board shall elect a chairperson and a vice chairperson from its
25 membership.

26 ~~(i)~~

27 (j) Each member of the board shall receive a per diem of one
28 hundred dollars (\$100) for each day actually spent in the discharge
29 of official duties, and shall be reimbursed for traveling and other
30 expenses necessarily incurred in the performance of official duties.
31 The payments in each instance shall be made only from the fund
32 from which the expenses of the department are paid and shall be
33 subject to the availability of money. Notwithstanding any other
34 law, no public officer or employee shall receive per diem salary
35 compensation for serving on those boards, commissions,
36 committees, or the Consumer Advisory Council on any day when
37 the officer or employee also received compensation for his or her
38 regular public employment.

39 4451.1. (a) The board may appoint an executive officer. This
40 position is designated as a confidential position and is exempt from

1 civil service under subdivision (e) of Section 4 of Article VII of
2 the California Constitution.

3 (b) The executive officer serves at the pleasure of the board.

4 (c) The executive officer shall exercise the powers and perform
5 the duties delegated by the board and that are vested in him or her
6 by this chapter.

7 (d) With the approval of the director, the board shall fix the
8 salary of the executive officer.

9 (e) The chairperson of the board may call meetings of the board
10 and any duly appointed committee at a specified time and place.
11 For purposes of this section, “call meetings” means setting the
12 agenda, time, date, or place for a meeting of the board or a
13 committee.

14 4451.2. Subject to the State Civil Service Act (Part 2
15 (commencing with Section 18500) of Division 5 of Title 2 of the
16 Government Code), the board may employ any clerical, technical,
17 and other personnel as it deems necessary to carry out the
18 provisions of this chapter and the other chapters it administers and
19 enforces, within budget limitations.

20 4451.3. The board shall keep an accurate record of all of its
21 proceedings and a record of all applicants for licensure and all
22 individuals to whom it has issued a license.

23 4451.4. The duty of administering and enforcing this chapter
24 is vested in the board and the executive officer subject to, and
25 under the direction of, the board. In the performance of this duty,
26 the board and the executive officer have all the powers and are
27 subject to all the responsibilities vested in, and imposed upon, the
28 head of a department by Chapter 2 (commencing with Section
29 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

30 4451.5. Protection of the public shall be the highest priority
31 for the board in exercising its licensing, regulatory, and disciplinary
32 functions. Whenever the protection of the public is inconsistent
33 with other interests sought to be promoted, the protection of the
34 public shall be paramount.

35
36 Article 3. Administration
37

38 4452. The board shall administer and enforce this chapter.

1 4452.1. In order to carry out the provisions of this chapter, the
2 board shall do, but shall not be limited to doing, all of the
3 following:

4 (a) Adopt rules and regulations as necessary to administer and
5 enforce this chapter. The adoption, amendment, and repeal of those
6 rules and regulations shall be made in accordance with the
7 rulemaking provisions of the Administrative Procedure Act
8 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code).

10 (b) Issue licenses and register interns seeking licensure
11 beginning January 1, ~~2017~~, 2018, to those who meet the
12 qualifications of this chapter and any regulations adopted pursuant
13 to this chapter.

14 (c) Take disciplinary action against licensees and registered
15 interns where appropriate, including reprimand or probation,
16 suspension, or revocation of the license or registration, issuance
17 of administrative citations, imposition of administrative fines not
18 to exceed five thousand dollars (\$5,000), or any combination of
19 these. The board shall not take action against certified counselors
20 and staff of licensed and certified facilities who are not registered
21 with the board as interns or who are not licensed by the board.

22 (d) Establish continuing education requirements.

23 (e) Establish procedures for the receipt, investigation, and
24 resolution of complaints.

25 (f) Establish criteria to determine whether the curriculum of an
26 educational institution satisfies the requirements imposed by this
27 chapter.

28 (g) Establish parameters of unprofessional conduct that are
29 consistent with the uniform code of conduct adopted by the
30 California Coalition of Certifying Organizations and accepted by
31 the State Department of Health Care Services in June 2013.

32 (h) Establish reinstatement procedures for an expired or revoked
33 certificate or license.

34 (i) Establish policies to implement and enforce clinical
35 supervision requirements for registered interns prescribed in
36 Section 5543.2.

37 ~~(j) Adopt one examination for administering to prospective~~
38 ~~licensees. The test may be administered by the board or by a public~~
39 ~~or private entity selected by the board.~~

40 (k)

(j) Maintain a database of licensees and registered interns, including the individual's status, any public record of discipline, and other information as the board may require.

(h)

(k) Establish an advisory committee composed of one or more representatives of consumers, alcohol and drug counselors, alcohol and drug counselor employers, counties, educators, referral sources, and other persons as the board may determine, that shall meet at least two times per year and make recommendations to the board concerning curriculum, criminal background checks, unprofessional conduct, and other matters as the board may refer to the committee. This committee shall become inoperative two years after the board issues the first license pursuant to this chapter.

Article 4. Qualifications and Requirements for Licensure and Registration

4453. (a) Commencing January 1, ~~2017~~, 2018, the board shall issue a registration for an advanced alcohol and drug counselor intern (AADCII) who meets all of the following requirements:

(1) Possesses an earned master of arts, master of science, or doctoral degree in alcohol and drug counseling, psychology, social work, counseling, marriage and family therapy, counseling psychology, clinical psychology, or other clinically focused major or an equivalent degree recognized by the board, from an institution of higher learning accredited by the Western Association of Schools and Colleges, the Bureau for Private Postsecondary Education, *the Commission on Accreditation of Coursework on Social Work Education*, or state or regional accrediting agency approved by the board. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of approval.

(2) Completes 315 clock hours of alcohol and drug-specific education approved by the board from an institution of higher learning accredited by the Western Association of Schools and Colleges, the Bureau for Private Postsecondary Education, *the Commission on Accreditation of Coursework on Social Work Education*, or a state or regional accrediting agency approved by

1 the board. This education shall include, but is not limited to, all of
2 the following:

3 (A) Forty-five clock hours of psychopharmacology/physiology
4 of addiction including the following areas: examination of the
5 effects of alcohol and similar legal psychoactive drugs to the body
6 and behavior; damage to the body and behaviors; damage to the
7 brain, liver, and other organs; tolerance, cross tolerance, and
8 synergistic effects; physiological differences between males and
9 females; disease model including neurobiological signs and
10 symptoms.

11 (B) Forty-five clock hours of clinical
12 evaluation/psychopathology, including the following areas: initial
13 interviewing process; biopsychosocial assessment; differential
14 diagnosis; diagnostic summaries; co-occurring disorders, referral
15 processes, and the evaluation of clients using placement criteria,
16 including the ASAM patient placement criteria or other validated
17 clinical tools, to determine the most appropriate level of care for
18 the client and eligibility for admission to a particular alcohol and
19 other drug abuse treatment program.

20 (C) Forty-five clock hours of counseling/psychotherapy for
21 addiction, including the following areas: introduction to counseling;
22 introduction to techniques and approaches; crisis intervention;
23 individual counseling focused on addiction; group counseling; and
24 family counseling as it pertains to addiction treatment.

25 (D) Forty-five clock hours in case management, including the
26 following areas: community resources; consultation;
27 documentation; and HIV positive resources.

28 (E) Forty-five clock hours of client education, including the
29 following areas: addiction recovery; psychological client education;
30 biochemical/medical client education; sociocultural client
31 education; addiction recovery and psychological family education;
32 biomedical and sociocultural family education; and community
33 and professional education.

34 (F) Forty-five clock hours of professional responsibility/law
35 and ethics, including the following: ethical standards, legal aspects,
36 cultural competency, professional growth, personal growth,
37 dimensions of recovery, clinical supervision, and consultation;
38 community involvement; and operating a private practice.

39 (3) Completes a supervised practicum of no less than 315
40 performance (experience) hours, including 45 hours of classroom

1 instruction and 255 hours of practical experience performed at an
2 agency approved by the practicum instructor. The practical
3 experience shall include the core functions demonstrating the
4 application of knowledge and skills in practice setting essential to
5 professional alcohol and drug counseling.

6 (4) Submits to a state and federal level criminal offender record
7 information search and passes both background checks as specified
8 in Section 4456.8.

9 (5) Pays the required fees as set by the board.

10 (6) Completes the application for registration.

11 (b) The board may accept any or all of the hours of education
12 stipulated in Section ~~5543.2~~ 4453.2 as part of the education leading
13 to a person's earned master of arts, master of science, or doctoral
14 degree.

15 4453.1. Commencing January 1, ~~2017~~, 2018, and ceasing with
16 the disposition of all completed applications actually received by
17 the board by June 30, ~~2018~~, 2019, the board shall issue a licensed
18 advanced alcohol and drug counselor (LAADC) license pursuant
19 to subdivision (b) of Section 4452.1 to each person who the board
20 determines is qualified either pursuant to subdivision (a) or (b):

21 (a) A license shall be granted by the board to a certified alcohol
22 and drug counselor who meets all of the following requirements
23 on or before January 1, ~~2017~~, 2018:

24 (1) Holds a current, valid, advanced alcohol and drug counseling
25 certification, or clinical supervision certification issued by a
26 certifying organization recognized by the State Department of
27 Health Care Services on or before January 1, ~~2017~~, 2018. For the
28 purpose of this subdivision, an "advanced alcohol and drug
29 counseling certification" or "clinical supervision certification"
30 shall include all of the following minimum requirements for
31 purposes of applying for licensure under this section:

32 (A) Documentation of 315 hours of alcohol and drug counseling
33 education approved for certification by the IC&RC or any other
34 organization recognized by the board to have standards equal to
35 or higher than those of the IC&RC.

36 (B) A 45-hour practicum course approved for certification by
37 the IC&RC or any other organization recognized by the board to
38 have standards equal to or higher than those of the IC&RC, or a
39 supervised internship approved by the board.

(C) Documentation of 6,000 hours of work experience as an alcohol and drug counselor approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC.

(D) Receipt of a passing score on a test approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC. *Advanced Alcohol and Drug Counselor examination or other nationally recognized examination deemed by the board to be equivalent.*

(E) A letter from a certifying organization affiliated with the IC&RC and recognized by the department, or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC, that confirms that the applicant is an advanced-level counselor in good standing at the time of the application.

(F) *Submit three original letters of recommendation, dated within the preceding 12 months, typed on the signatory's letterhead, from professionals employed at licensed agencies where addiction treatment services are provided, attesting to the applicant's personal character and professional ethics.*

(2) The education described in subparagraph (A) of paragraph (1) shall include, but is not limited to, both of the following:

(A) Forty-five clock hours of clinical evaluation/psychopathology, including the following areas: initial interviewing process; biopsychosocial assessment; differential diagnosis; diagnostic summaries; and ~~co-occurring~~ *co-occurring* disorders, referral processes, and the evaluation of clients using placement criteria, including the ASAM patient placement criteria or other validated clinical tools, to determine the most appropriate level of care for the client and eligibility for admission to a particular alcohol and other drug abuse treatment program.

(B) Forty-five clock hours of professional responsibility/law and ethics, including the following: ethical standards, legal aspects, cultural competency, professional growth, personal growth, dimensions of recovery, clinical supervision, consultation; community involvement; and operating a private practice.

(3) Submits to a state and federal level criminal offender record information search no later than January 1, ~~2017~~, *2018*, and passes both background checks as specified in Section 4456.8.

(4) Provides a letter from a certifying organization affiliated with the IC&RC and recognized by the State Department of Health Care Services, or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC, that confirms that the applicant has documented a total of 10,000 hours of experience in alcohol and drug abuse counseling consistent with IC&RC standards for advanced certification. Work experience documented to meet this requirement shall have occurred within 10 years prior to the implementation of this chapter.

(A) Documentation of an associate of arts degree may be counted for 2,000 experience hours.

(B) Documentation of a bachelor's degree may be counted for 4,000 experience hours.

(C) Documentation of a master's degree may be counted for 6,000 hours of experience.

(D) A degree used in lieu of experience hours ~~is required to be substantially related to alcohol and drug counseling.~~ *shall be in alcohol and drug counseling, psychology, social work, counseling, marriage and family therapy, counseling psychology, clinical psychology, or other clinically focused major or an equivalent degree recognized by the board, from an institution of higher learning accredited by the Western Association of Schools and Colleges, the Bureau for Private Postsecondary Education, the Commission on Accreditation of Coursework on Social Work Education, or a state or regional accrediting agency approved by the board. The board has the authority to make the final determination as to whether a degree meets all of the requirements of this chapter, including, but not limited to, course requirements.*

(5) Pays the required fees as set by the board.

(6) Completes the application for a license.

(b) A license shall be granted by the board to a person licensed in the State of California who practices alcohol and drug counseling and who meets all of the following requirements on or before January 1, ~~2016~~: 2017:

(1) Provides documentation to the board that he or she currently holds a valid license in the state to practice marriage family therapy, psychology, social work, professional counseling, or medicine.

(2) Provides documentation to the board of 6,000 hours of experience in providing alcohol and drug counseling services directly to patients.

(3) Pays the required fees as set by the board.

(4) Completes the application for a license.

(c) All of the hours of education and experience stipulated in Section 4453.2 may be gained as part of the education leading to a person's earned master of arts, master of science, doctoral degree, or certification preparation.

(d) *A license granted to an applicant pursuant to subdivision (a) who does not possess a master's degree as described by subdivision (a) of Section 4453.2 shall be provisional for two years. The board shall review all provisional licenses before removing the provisional status in order to review whether the applicant has been disciplined for ethical violations resulting in harm to the public that would cause the applicant's continued licensure to be a danger to the public. A denial of a continuation of a provisional license may be appealed according to Section 4456.4.*

4453.2. (a) Commencing January 1, ~~2017~~, 2018, the board shall issue ~~a~~ an LAADC license pursuant to subdivision (b) of Section 4452.1 to each person who the board determines meets all of the following requirements:

(1) Possesses an earned master of arts, master of science, or doctoral degree in alcohol and drug counseling, psychology, social work, counseling, marriage and family therapy, counseling psychology, clinical psychology, or other clinically focused major or an equivalent degree recognized by the board, from an institution of higher learning accredited by the Western Association of Schools and Colleges or an equivalent accrediting agency approved by the United States Department of Education.

(2) Completes the educational requirements in paragraphs (2) and (3) of subdivision (a) of Section 4453.

(3) Submits documentation of 2,000 hours of work experience as an alcohol and drug counselor, of which 1,500 hours may be substituted by documenting certification in good standing as an alcohol and drug counselor as per certification regulations of this state.

(4) ~~Receives a passing score on a nationally recognized exam for licensure designated by the board. the IC&RC Advanced~~

1 *Alcohol and Drug Counselor examination or other nationally*
2 *recognized examination by the board to be equivalent.*

3 (5) Submits to a state and federal level criminal offender record
4 information search and passes both background checks as specified
5 in Section 4456.8.

6 (6) Pays the required fees as set by the board.

7 (7) Completes the application for a license.

8 (b) The board may accept any or all of the hours of education
9 required by this section as part of the education leading to a
10 person's earned master of arts, master of science, or doctoral
11 degree.

12 4453.3. (a) Education, supervised experience, and work
13 experience gained outside of California may be accepted toward
14 the licensing requirements if it is substantially the equivalent of
15 the requirements of this chapter.

16 (b) The board may issue a license to a person who, at the time
17 of application, meets all of the following requirements:

18 (1) Has held a valid, active alcohol and drug counseling license
19 or certification issued by a board of alcohol and drug counseling
20 examiners or corresponding authority of any state.

21 (2) Passes the ~~current applicable examination.~~ *IC&RC Advanced*
22 *Alcohol and Drug Counselor examination or other nationally*
23 *recognized examination deemed by the board to be equivalent.*

24 (3) Pays the required fees.

25 (4) Passes the required background check, as specified in Section
26 4456.8.

27 (5) Is not subject to denial of licensure under this chapter.

28 4453.4. (a) The supervised experience required in Section
29 4453.2 may be gained under the clinical supervision of an LAADC,
30 or a licensed health professional specified by the board. This
31 experience shall meet all of the following criteria:

32 (1) Every two years, completion of a clinical supervision training
33 program approved by the board.

34 (2) A minimum of 70 percent of the required hours shall be
35 face-to-face individual or group counseling provided to clients in
36 the context of addiction treatment services.

37 (3) A maximum of 30 percent of the required hours may be in
38 case management, client-centered advocacy, consultation,
39 evaluation, and research.

(4) The required hours of supervised experience shall be obtained over a period of not less than two years and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(5) Experience shall not be credited for more than 40 hours in any week.

(b) Prior to the commencement of clinical supervision, a supervisor shall comply with all requirements for supervisors as established by the board.

(c) (1) A supervisee shall receive an average of at least one hour of direct supervisor contact for every week in which more than 10 hours of face-to-face counseling is performed in each setting where experience is gained.

(2) No more than five hours of direct clinical supervision, whether individual or group, shall be credited during a single week.

(d) For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group, of not more than eight persons receiving clinical supervision, addressing the substance of the supervisory plan required in subdivision (e).

(e) The supervisor and the supervisee shall develop a supervisory plan that describes the goals and objectives of clinical supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations.

(f) Experience shall be gained only in a setting that meets both of the following requirements:

(1) Lawfully and regularly provides alcohol and other drug counseling.

(2) Provides oversight to ensure that the supervisee’s work at the setting meets the experience and clinical supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4454.

(g) Experience shall not be gained prior to becoming a registered intern.

(h) A supervisee may be either a paid employee or a volunteer. Employers are encouraged to provide fair remuneration to supervisees.

(i) A supervisee shall not receive remuneration from patients or clients, and shall be paid only by his or her employer. A

1 supervisee shall not have a proprietary interest in the employer's
2 business.

3 (j) A supervisee may receive clinical supervision from a person
4 not employed by the supervisee's employer if that person has
5 signed a written agreement with the employer to take supervisory
6 responsibility for the supervisee's addiction counseling.

7 (k) Notwithstanding any other law, a supervisee shall receive
8 a minimum of one hour of clinical supervision per week for each
9 setting in which he or she is working.

10 (l) The board shall limit, by regulation, the number of registered
11 interns that one supervisor may supervise, the number of registered
12 interns that may be supervised in a given program or setting, and
13 the proportion of the workforce in a given program or setting that
14 may be comprised of registered interns.

15 (m) Programs licensed or certified by the State Department of
16 Health Care Services are not required to adhere to the supervision
17 provisions of this section. Alcohol and drug counselors working
18 or volunteering in licensed or certified facilities may use hours
19 completed while working or volunteering in a facility licensed or
20 certified by the State Department of Health Care Services if the
21 conditions for supervised hours are present at the time of service.

22
23 Article 5. Scope of Practice
24

25 4454. (a) (1) The board shall issue a license or intern
26 registration to each applicant meeting the requirements of this
27 chapter. That license or registration permits the holder to engage
28 in alcohol and drug counseling as defined in subdivision (c),
29 entitles the holder to use the title of licensed advanced alcohol and
30 drug counselor or advanced alcohol and drug counselor intern, as
31 applicable, and authorizes the holder to hold himself or herself out
32 as qualified to perform the functions delineated by this chapter,
33 subject to any limitations relating to the level of the license or
34 registration or other conditions that may be imposed by the board.

35 (2) The form and content of the license or registration shall be
36 determined by the board.

37 (b) A licensee or registered intern may perform the acts listed
38 in this section only for the purpose of treating alcohol and drug
39 addiction.

(c) (1) For the purposes of this chapter, “alcohol and drug counseling” means a process involving a psychotherapeutic relationship between a client who is experiencing addiction, dependence, abuse of alcohol or other drugs, or other symptoms that relate to substance use and a counselor or therapist trained to provide that help to address that addiction, dependence, or abuse.

(2) Addiction counseling includes the professional and ethical application of basic tasks and responsibilities, including all of the following:

(A) Screening, this is the process by which a client is determined to be eligible for admission to a particular alcohol and drug treatment program.

(B) Initial intake, which is the administrative and initial assessment procedures for admission to an alcohol and drug treatment program. Assessment shall not include psychological testing intended to measure or diagnose mental illness.

(C) Orientation, which is the act of describing to the client the general nature and goals of the alcohol and drug treatment program, including rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program.

(D) Alcohol and drug abuse counseling, including individual, group, and significant others. The utilization of special skills to assist individuals, families, or groups in achieving objectives through exploration of a problem and its ramifications, examination of attitudes and feelings, considerations of alternative solutions, and decisionmaking as each relates to substance use. Counseling shall be limited to assisting a client in learning more about himself or herself for the purposes of understanding how to effectuate clearly perceived and realistically defined goals related to abstinence. Counseling is limited to assisting the client to learn or acquire new skills that will enable the client to cope and adjust to life situations without the use of substances.

(E) Case management, which is the activities that bring services, agencies, resources, or individuals together within a planned framework of action toward achievement of established goals. Case management may involve liaison activities and collateral contacts.

(F) Crisis intervention, which is providing services that respond to an alcohol or drug user’s needs during acute emotional or physical distress, including, but not limited to, referrals for

1 assessment of the client's need for additional psychological or
2 medical treatment for client behaviors that signal risk or prolonged
3 distress.

4 (G) Assessment, which is the use of procedures by which a
5 counselor or program identifies and evaluates an individual's
6 strengths, weaknesses, problems, and needs for the development
7 of the alcohol and drug treatment plan.

8 (H) Treatment planning, which is the process by which the
9 counselor and the client identify and rank problems needing
10 resolution, establish agreed-upon immediate and long-term goals,
11 and decide on a treatment process and the resources to be utilized.

12 (I) Client education, which is providing information to
13 individuals and groups concerning alcohol and drug use and the
14 services and resources available.

15 (J) Referral, which is identifying the needs of the client that
16 cannot be met by the counselor or agency, as well as assisting the
17 client in utilizing the support systems and community resources
18 available.

19 (K) Reports and recordkeeping, which is the documentation of
20 the client's progress in achieving his or her goals.

21 (L) Consultation with other professionals with regard to client
22 treatment or services and communicating with other professionals
23 to ensure comprehensive, quality care for the client.

24 4454.1. (a) Alcohol and drug counseling includes
25 understanding and application of the limits of the counselor's own
26 qualifications and scope of practice, including, but not limited to,
27 screening and, as indicated, referral to or consultation with an
28 appropriately licensed health practitioner consistent with the
29 client's needs. Every licensee who operates an independent
30 counseling practice shall refer any client assessed as needing the
31 services of another licensed professional to that professional in a
32 timely manner.

33 (b) (1) Licensed alcohol and drug counselors providing services
34 in a private practice setting shall refer all clients for an initial
35 assessment to one of the following professionals within ~~14~~ 30 days
36 of intake to assess any ~~co-occurring~~ co-occurring needs or disorders:

37 (A) A *licensed* marriage and family therapist.

38 (B) A licensed clinical social worker.

39 (C) A licensed psychologist.

1 (D) A licensed physician and surgeon certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (E) A licensed physician and surgeon who has completed a
4 residency, but is not yet board certified, in psychiatry.

5 (F) *A licensed physician and surgeon who is certified by the*
6 *American Board of Addiction Medicine.*

7 ~~(F)~~

8 (G) A licensed professional clinical counselor.

9 ~~(G)~~

10 (H) Any other licensed professional approved by the board.

11 (2) Referrals made pursuant to this subdivision shall be
12 documented in the client's chart.

13 (3) A professional receiving a referral pursuant to this
14 subdivision shall, with the written consent of the client, provide
15 to the referring alcohol and drug counselor a signed, written report
16 that includes assessment results and treatment and referral
17 recommendations. The referring alcohol and drug counselor shall
18 place the report in the client's chart.

19 (4) (A) A licensee shall, in an effective and safe manner,
20 demonstrate the ability to refer patients in need of services that
21 exceed the scope of practice of an alcohol and drug counselor. The
22 licensee shall maintain current referral information for the services
23 he or she is prohibited from providing.

24 (B) *The board may suspend or revoke the license of an alcohol*
25 *and drug counselor for failing to refer a client to an appropriate*
26 *mental health professional for a co-occurring disorder or disorders*
27 *or treating clients for disorders beyond the scope of practice*
28 *provided for in this chapter.*

29 (5) During the course of the screening and intake process, a
30 licensed alcohol and drug counselor, working within the scope of
31 his or her practice, shall determine the level of care most
32 appropriate for the client and the need for integrated treatment in
33 the presence of medical, emotional, and behavioral conditions.
34 This determination shall be based on the client's state of
35 intoxication or withdrawal, the presence of other conditions, relapse
36 potential, the nature of the recovery environment, and other client
37 issues, including, but not limited to, legal, financial, or housing
38 issues.

39 (6) If the licensed alcohol and drug counselor properly refers a
40 client as required pursuant to this subdivision, the counselor shall

1 not be deemed to be practicing illegally based solely on a client's
2 refusal or failure to follow up on the referral, and the counselor
3 may continue to see and treat the client.

4 *(7) If a client is referred to a licensed alcohol and drug*
5 *counselor or is under the care of a licensed mental health*
6 *professional at the time of intake or screening, written*
7 *documentation shall be made in the client's chart that he or she*
8 *has been referred to a licensed alcohol and drug counselor or is*
9 *under the care of a licensed mental health professional, and the*
10 *referral requirement of this section shall be presumed to have been*
11 *made.*

12 4454.2. Provided that this exception does not preclude the
13 board from considering conduct in any setting in its determination
14 of fitness for registration or licensure or in a disciplinary matter,
15 this chapter shall not apply to any of the following:

16 (a) A person who engages in the practice of alcohol and drug
17 counseling exclusively for any of the following:

18 (1) In-custody services of the Department of Corrections and
19 Rehabilitation.

20 (2) As an employee or volunteer of the State of California.

21 (3) As an employee or volunteer of an agency of the government
22 of the United States.

23 (b) A person who is an unpaid member of a peer or self-help
24 group who performs peer group or self-help activities if the person
25 does not use a title stating or implying that he or she is a licensed
26 or certified alcohol and drug counselor or registered intern.

27 (c) A cleric or other religious leader who provides spiritual
28 advice and guidance to members of his or her congregation or
29 order, or to other persons, if it is free of charge.

30 (d) A director, officer, or staff member of a program described
31 in Section 8001 of the Penal Code.

32 (e) A director, officer, or staff member of a program described
33 in subdivision (l) or (m) of Section 11752.1 of the Health and
34 Safety Code.

35 4454.3. (a) This chapter shall not be construed to constrict,
36 limit, or withdraw the Medical Practice Act (Chapter 5
37 (commencing with Section 2000)), the Nursing Practice Act
38 (Chapter 6 (commencing with Section 2700)), the Psychology
39 Licensing Act Law (Chapter 6.6 (commencing with Section 2900)),
40 the Licensed Marriage and Family Therapist Act (Chapter 13

(commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), or the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)). This section shall not be construed to mean that persons exempted from this act pursuant to this section shall be required to be dually licensed in order to provide alcohol and drug counseling services.

(b) This chapter shall not be construed to constrict, limit, or prohibit state licensed, certified, or county contracted alcohol and drug treatment facilities or programs, or DUI programs from employing or contracting with alcohol and drug counselors certified by a certifying organization accredited and state approved under Chapter 8 of Division 4 of Title 9 of the California Code of Regulations.

(c) This chapter shall not be construed to constrict, limit, or prohibit state licensed, certified, or county contracted alcohol and drug treatment facilities or programs, or DUI programs from employing or contracting with licensed advanced alcohol and drug counselors (LAADCs) or advanced alcohol and drug counselor interns (AADCI) when stipulating that licensed professionals be employed or contracted with.

(d) This chapter shall not be construed to mandate the use of advanced alcohol and drug counselor interns (AADCI) or licensed advanced alcohol and drug counselors (LAADC) in state licensed or certified, or county operated or contracted alcohol and drug treatment programs or facilities, or DUI programs.

4454.4. A person who has received a registration or license under this chapter may use the title “advanced alcohol and drug counselor intern” or “AADCI,” or “licensed advanced alcohol and drug counselor” or “LAADC,” in accordance with the type of registration or license possessed. Every person who styles himself or herself or who holds himself or herself out to be an advanced alcohol and drug counselor intern, ~~AADCI~~, or licensed advanced alcohol and drug counselor, without holding a license or registration in good standing under this chapter, is guilty of a misdemeanor.

4454.5. (a) ~~It is unlawful~~ *Notwithstanding Section 4454.3, it is unlawful* for a person to *operate an individual private practice for alcohol and drug treatment or* engage in the practice of alcohol and drug counseling outside of a ~~licensed or certified~~ *an* alcohol and drug

1 treatment facility, or *DUI program*, unless at the time of so doing,
2 the person holds a valid, unexpired, and unrevoked license or
3 registration under this chapter.

4 (b) This section shall become operative on January 1, ~~2017~~.
5 2018.

6
7 Article 6. Licenses and Renewals
8

9 4455. (a) Licenses or registrations issued under this chapter
10 shall expire within two years after the issue date. The expiration
11 date of the original license or registration shall be set by the board.

12 (b) To renew an unexpired license or registration, the licensee
13 or registered intern shall, on or before the expiration date of the
14 license or registration, complete the following actions:

15 (1) Apply for a renewal on a form prescribed by the board.

16 (2) Pay a two-year renewal fee prescribed by the board.

17 (3) Complete at least 60 hours of continuing education, as
18 approved by the board.

19 (4) Notify the board whether he or she has been convicted of a
20 misdemeanor or felony, or whether disciplinary action has been
21 taken by a regulatory or licensing board in this or any other state,
22 subsequent to the licensee or registered intern's last renewal.

23 (c) To renew an expired license or registration within three years
24 of its expiration, the licensee or registered intern shall, as a
25 condition precedent to renewal, do all of the following:

26 (1) Apply for renewal on a form prescribed by the board within
27 three years of the expiration date of the license.

28 (2) Pay the renewal fees that would have been paid if the license
29 or registration had not been delinquent.

30 (3) Pay all delinquency fees.

31 (4) Complete the applicable continuing education requirements.

32 (5) Notify the board whether he or she has been subject to, or
33 whether another department or board has taken, disciplinary action
34 since the last renewal.

35 (d) The department shall adopt regulations to allow for the
36 reinstatement of a license or registration that is not renewed within
37 three years after its expiration.

38 4455.1. (a) A licensed advanced alcohol and drug counselor
39 shall display his or her license in a conspicuous place at the primary
40 place of his or her business.

1 (b) The current renewal receipt shall be displayed near the
2 license.

3 4455.2. A licensed advanced alcohol and drug counselor who
4 conducts a private practice under a fictitious business name shall
5 not use a name that is false, misleading, or deceptive, and shall
6 inform the patient, prior to the commencement of treatment, of the
7 name and license designation of the owner or owners of the
8 practice.

9 4455.3. A suspended license is subject to expiration and may
10 be renewed as provided in this chapter, but the renewal does not
11 entitle the licensee, while the licensee remains suspended and until
12 the licensee is reinstated, to engage in the activity to which the
13 license relates, or in any other activity or conduct in violation of
14 the order or judgment by which it was suspended.

15 4455.4. (a) A licensed advanced alcohol and drug counselor
16 may apply to the board to request that his or her license be placed
17 on inactive status.

18 (b) A person who holds an inactive license shall pay a biennial
19 fee of one-half of the active renewal fee and shall be exempt from
20 continuing education requirements specified in paragraph (3) of
21 subdivision (b) of Section 4455, but shall otherwise be subject to
22 this chapter and shall not engage in the practice of alcohol and
23 drug counseling in this state.

24 (c) A person on inactive status who has not committed any acts
25 or crimes constituting grounds for denial of licensure or registration
26 may, upon his or her request, have his or her license to practice
27 alcohol and drug counseling placed on active status.

28 (d) A person requesting his or her license to be placed on active
29 status at any time during a renewal cycle shall pay a pro rata
30 portion of the renewal fees.

31 (e) A person requesting to have his or her license be placed on
32 active status whose license expires less than one year from the
33 date of the request shall be required to complete 20 hours of
34 continuing education for license renewal.

35 (f) A person requesting his or her license to be placed on active
36 status whose license expires more than one year from the date of
37 the request shall be required to complete 40 hours of continuing
38 education for license renewal.

39 4455.5. A person licensed or registered under this chapter shall
40 comply with all of the following:

1 (a) Provide written notice to the board within 30 days of any
2 change of address.

3 (b) Provide written notice to the board within 30 days of a name
4 change giving both the old and the new names along with a copy
5 of the legal document authorizing the name change, including, but
6 not limited to, a court order or marriage license.

7 (c) Notify the board in writing within 30 days if he or she has
8 been convicted of a misdemeanor or felony substantially related
9 to the practice of alcohol *and* drug counseling.

10
11 Article 7. Denial, Suspension, and Revocation
12

13 4456. The board may deny an application or may revoke,
14 suspend, or impose conditions upon a license or the intern
15 registration for unprofessional conduct. Unprofessional ~~conduct~~,
16 *conduct* includes, but is not limited to, any of the following:

17 (a) Securing an intern registration, license, or renewal by fraud,
18 deceit, or misrepresentation on an application or material in support
19 of an application for intern registration, licensure, or renewal.

20 (b) Misrepresenting the type or status of intern registration or
21 licensure held by the person, or otherwise misrepresenting or
22 permitting misrepresentation of his or her education, professional
23 qualifications, or professional affiliations to a person, program, or
24 entity.

25 (c) Refusal or failure to provide proper identification as a
26 licensee or registered intern where appropriate or required,
27 including, but not limited to, when offering or providing alcohol
28 and drug counseling services, on business cards, or on
29 informational or marketing materials.

30 (d) Advertising, marketing, or promoting programs, services,
31 training, education, or experience in a false and misleading manner,
32 as set forth in Chapter 5 (commencing with Section 17200) of Part
33 2 of Division 7.

34 (e) Engaging in inappropriate social relationships, sexual
35 relations, or soliciting sexual relations with a client or with a former
36 client within two years from the termination date of the counseling
37 relationship.

38 (f) Committing an act of sexual abuse, misconduct, or an act
39 punishable as a sexually related crime.

1 (g) Engaging in a business relationship with clients, patients,
2 program participants, residents, or other persons significant to
3 them within one year from the termination of the counseling
4 relationship.

5 (h) Physically, verbally, or sexually harassing, threatening, or
6 abusing other staff members, clients, patients, program participants,
7 residents, or other persons significant to any of those persons.

8 (i) Unlawfully administering to himself or herself a controlled
9 substance as defined in Section 4021, using any of the dangerous
10 drugs or devices specified in Section 4022, or using an alcoholic
11 beverage to the extent, or in a manner, as to be dangerous or
12 injurious to the person holding or applying for intern registration
13 or licensure or to any other person or to the public.

14 (j) Violating patient or client confidentiality, except as required
15 or permitted by law, including, but not limited to, Subparts A to
16 E, inclusive, of Part 2 of Subchapter A of Chapter 1 of Title 42 of
17 the Code of Federal Regulations, and child abuse, elder abuse, and
18 public safety laws and regulations.

19 (k) Failing to maintain records consistent with the nature of the
20 services being rendered.

21 (l) Refusing or denying patient or client access to charts and
22 records as required by law.

23 (m) Violating, attempting to violate, or conspiring to violate a
24 law or regulation governing licensed advanced alcohol and drug
25 counselors and registered interns.

26 (n) Failure to comply with the child abuse reporting
27 requirements of Section 11166 of the Penal Code.

28 (o) Failure to comply with the elder and dependent adult abuse
29 reporting requirements of Section 15630 of the Welfare and
30 Institutions Code.

31 4456.1. The board shall revoke a license or the registration of
32 an intern issued under this chapter upon a decision made in
33 accordance with the procedures set forth in the adjudication
34 provisions of the Administrative Procedure Act (Chapter 5
35 (commencing with Section 11500) of Part 1 of Division 3 of Title
36 2 of the Government Code) that contains a finding of fact that the
37 licensee or registered intern engaged in an act of sexual contact,
38 as defined in Section 729, when that act is with a client, or with a
39 former client when the relationship was terminated primarily for

1 the purpose of engaging in that act. The revocation shall not be
2 stayed by the administrative law judge or the board.

3 4456.2. The board may deny an application, or may revoke or
4 suspend a license or intern registration issued under this chapter,
5 for a denial of licensure, revocation, suspension, restriction, or
6 other disciplinary action imposed by another state or territory of
7 the United States, or by any other governmental agency, on a
8 license or registration to practice alcohol and other drug counseling
9 or other healing art. A certified copy of the disciplinary action
10 decision or judgment shall be conclusive evidence of that action.

11 4456.3. (a) The chairperson may temporarily suspend a license
12 or intern registration prior to a hearing when, in the opinion of the
13 chairperson, the action is necessary to protect the public or a client
14 from physical or mental abuse, abandonment, or other substantial
15 threat to health or safety.

16 (b) The chairperson shall give notice of the temporary
17 suspension and the effective date of the temporary suspension and,
18 at the same time, shall serve an accusation.

19 (c) Upon receipt of a notice of defense to the accusation, the
20 chairperson shall, within 15 days, set the matter for hearing, and
21 the hearing shall be held as soon as possible. The temporary
22 suspension shall remain in effect until the time the hearing is
23 completed and the chairperson has made a final determination on
24 the need for the temporary suspension to remain in place pending
25 resolution of the accusation.

26 (d) The temporary suspension shall be deemed vacated if the
27 chairperson fails to make a final determination on the merits within
28 30 days after the hearing, if the chairperson hears the matter
29 personally, or within 30 days after the board receives the proposed
30 decision from the Office of Administrative Hearings, or if the
31 matter is heard by a hearing officer selected by the board.

32 4456.4. (a) A person who has applied for or received a license
33 or intern registration from the board under this chapter has the
34 right to appeal an adverse decision of the board with regard to his
35 or her application, license, or registration.

36 (b) Unless the board specifies additional or different due process
37 provisions by regulation, an appeal shall be determined in
38 accordance with the adjudication provisions of the Administrative
39 Procedure Act (Chapter 5 (commencing with Section 11500) of
40 Part 1 of Division 3 of Title 2 of the Government Code).

1 4456.5. The board may impose reasonable terms, conditions,
2 or restrictions on a disciplinary action to protect the health, safety,
3 and welfare of the public.

4 4456.6. A person may request reinstatement of a license or
5 intern registration or a reduction of discipline, by applying for
6 reinstatement or reduction pursuant to Section 11522 of the
7 Government Code.

8 4456.7. (a) An applicant who fails an examination administered
9 by or on behalf of the board may within one year from the
10 notification date of failure retake that examination at the next
11 regularly scheduled examination date, without further application,
12 upon payment of the required examination fees.

13 (b) Thereafter, the applicant shall not be eligible for further
14 examination until he or she files a new application, meets all
15 current requirements, and pays all required fees.

16 4456.8. (a) An applicant for a license or intern registration
17 shall consent to a state and federal level criminal offender record
18 information search as part of a criminal history background check.
19 Refusal to consent to the criminal history background check, as
20 delineated in this section, shall result in denial of the license or
21 registration.

22 (b) The following procedure shall be followed for criminal
23 offender record information searches:

24 (1) The board shall submit to the Department of Justice
25 fingerprint images and related information required by the
26 Department of Justice of all advanced alcohol and drug counselor
27 licensure or advanced alcohol and drug counselor intern registration
28 applicants, as defined by Section 4450.1, to obtain information as
29 to the existence and content of a record of state or federal
30 convictions, state or federal arrests, and the existence and content
31 of a record of state or federal arrests for which the Department of
32 Justice establishes that the person is free on bail or on his or her
33 own recognizance pending trial or appeal.

34 (2) When received, the Department of Justice shall forward the
35 relevant information to the Federal Bureau of Investigation and
36 requests for federal summary criminal history information received
37 pursuant to this section. The Department of Justice shall review
38 the information returned from the Federal Bureau of Investigation
39 and compile and disseminate a response to the board.

1 (3) The Department of Justice shall provide a response to the
2 board pursuant to paragraph (1) of subdivision (p) of Section 11105
3 of the Penal Code.

4 (4) The board shall request from the Department of Justice
5 subsequent arrest notification service, as provided pursuant to
6 Section 11105.2 of the Penal Code, for persons described in
7 paragraph (1).

8 (5) The Department of Justice shall charge fees sufficient to
9 cover the cost of processing the request described in this section.
10 The applicant shall be responsible for payment of these fees.

11 (6) The applicant shall pay the fingerprint image rolling and
12 electronic submission fee charged by the live scan device operator.

13 (c) Before issuing a license or registration, the board shall ensure
14 that the state and federal level criminal history of the applicant is
15 reviewed.

16 (d) The board shall deny or revoke a person's license or
17 registration if, at the time of the board's determination, the person
18 meets one or more of the following criteria:

19 (1) He or she has been convicted of five or more criminal
20 offenses within a 30-month period ending two years or less prior
21 to the date of the board's determination.

22 (2) He or she is required to register as a sex offender pursuant
23 to Section 290 of the Penal Code.

24 (3) (A) Subject to subdivisions (b) and (c), he or she has been
25 convicted of a violent felony, as defined in Section 667.5 of the
26 Penal Code, within three years prior to the date of the board's
27 determination.

28 (B) After the expiration of three years from the date of
29 conviction, if a person described in subparagraph (A) is on parole,
30 he or she may be licensed or registered, if the board receives the
31 written approval of his or her parole officer or the Board of Parole
32 Hearings, as the Board of Parole Hearings may provide. The written
33 approval may be withdrawn by the Board of Parole Hearings upon
34 written notice to the licensee, registered intern, or parolee and to
35 the board. In the event of withdrawal of the approval, the licensee,
36 registered intern, or parolee's licensure or registration shall be
37 revoked by the board upon receipt by the board of the notice,
38 without further recourse against the board. The Board of Parole
39 Hearings shall set the procedure for review of the withdrawal of
40 approval. If the approval is reinstated, the board shall reinstate the

1 licensee, registered intern, or parolee if he or she is otherwise
2 eligible for reinstatement under this chapter and complies with all
3 applicable requirements.

4 (C) Subparagraph (B) shall also apply to a person convicted of
5 a crime that the board determines is substantially related to the
6 practice of alcohol and drug counseling.

7 (D) The board shall not deny or revoke a registration or license
8 pursuant to this subdivision solely on the basis of convictions
9 stemming from prior use of drugs or alcohol, provided the
10 individual meets the terms of rehabilitation established in
11 regulations developed pursuant to subparagraph (E).

12 (E) The board may establish by regulation additional criteria to
13 implement this subdivision, which may include, but is not limited
14 to, standards, exemptions, and terms of rehabilitation, and may
15 include rebuttable presumptions with regard to any of those.

16 4456.9. (a) Except as otherwise provided in this chapter, an
17 accusation filed pursuant to Section 11503 of the Government
18 Code against a person licensed or registered under this chapter
19 shall be filed within three years from the date the board discovers
20 the alleged act or omission that is the basis for disciplinary action
21 or within seven years from the date the alleged act or omission
22 that is the basis for disciplinary action occurred, whichever occurs
23 first.

24 (b) An accusation filed against a person licensed or registered
25 alleging the procurement of a license or registration by fraud or
26 misrepresentation is not subject to the limitations set forth in
27 subdivision (a).

28 (c) An accusation alleging sexual misconduct shall be filed
29 within three years after the board discovers the act or omission
30 alleged as the grounds for disciplinary action or within 10 years
31 after the act or omission alleged as the grounds for disciplinary
32 action occurred, whichever occurs first.

33 (d) If an alleged act or omission involves a minor, the seven-year
34 limitation period provided for by subdivision (a) and the 10-year
35 limitation period provided for by subdivision (d) shall be tolled
36 until the minor reaches the age of majority.

37 (e) The limitation period provided by subdivision (a) shall be
38 tolled during any period if material evidence necessary for
39 prosecuting or determining whether a disciplinary action would

1 be appropriate is unavailable to the board due to an ongoing
2 criminal investigation.

3 (f) For purposes of this section, “discovers” means the latest
4 occurrence of any of the following with respect to each act or
5 omission alleged as the basis for disciplinary action:

6 (1) The date the board received a complaint or report describing
7 the act or omission.

8 (2) The date, subsequent to the original complaint or report, on
9 which the board became aware of additional acts or omissions
10 alleged as the basis for disciplinary action against the same
11 individual.

12 (3) The date the board receives from the complainant a written
13 release of information pertaining to the complainant’s diagnosis
14 and treatment.

15 4456.10. (a) This chapter does not apply to an alcohol and
16 drug counselor from outside this state when he or she is in actual
17 consultation with a licensed practitioner of this state or when he
18 or she is an invited guest of a professional association or
19 educational institution for the sole purpose of engaging in
20 professional education through lectures, clinics, or demonstrations,
21 if he or she is, at the time of the consultation, lecture, or
22 demonstration, licensed to practice alcohol and drug counseling
23 in the state or country in which he or she resides.

24 (b) An alcohol and drug counselor described in subdivision (a)
25 shall not open an office or appoint a place to meet clients or receive
26 calls from clients within the limits of this state.

27
28 Article 8. Fiscal Provisions
29

30 4457. (a) The Advanced Alcohol and Drug Counselors License
31 Fund is hereby established in the State Treasury. All fees and fines
32 collected by the board in accordance with this chapter shall be
33 deposited in this fund.

34 (b) The moneys in the fund shall be available, upon
35 appropriation by the Legislature, for the purpose of supporting the
36 licensing and intern registration activities of the board.

37 4457.1. (a) Until the board establishes different fees by
38 regulation, the board shall assess the following fees relating to the
39 licensure of advanced alcohol and drug counselors and the
40 registration of advanced alcohol and drug counselor interns:

1 (1) The application fee for an initial registration shall be
2 seventy-five dollars (\$75).

3 (2) The fee for renewal of a registration shall be seventy-five
4 dollars (\$75).

5 (3) The fee for a written examination administered by the board
6 shall be one hundred fifty dollars (\$150). The fee for an
7 examination administered on behalf of the board shall not exceed
8 more than 125 percent of the standard examination fee assessed
9 by the testing company.

10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fee.

13 (B) This subdivision shall not establish or limit the examination
14 fee charged for the examination recognized in subdivision (a) of
15 Section 4453.2 or any other examination that is recognized by the
16 board but not administered by or on behalf of the board.

17 (4) The fee for issuance of an initial license shall be one hundred
18 fifty-five dollars (\$155).

19 (5) The fee for a license renewal shall be one hundred fifty-five
20 dollars (\$155).

21 (6) The fee for an inactive license renewal shall be seventy-seven
22 dollars and fifty cents (\$77.50).

23 (7) The renewal delinquency fee shall be seventy-five dollars
24 (\$75). A person who permits his or her license to expire is subject
25 to the delinquency fee.

26 (8) The fee for issuance of a replacement registration or license
27 shall be twenty dollars (\$20).

28 (9) The fee for issuance of a certificate or letter of good standing
29 shall be twenty-five dollars (\$25).

30 (10) The fee for board review of the criminal records information
31 shall be thirty dollars (\$30).

32 (11) The fee for the state level criminal offender record
33 information search shall be set by the Department of Justice and
34 the fee for the federal level criminal offender record information
35 search shall be set by the Federal Bureau of Investigation.

36 (b) The board may establish fees for other categories as
37 necessary, however, the total fees collected by the board pursuant
38 to this chapter shall not exceed the reasonable cost to the board
39 for administering this chapter. The fees described in subdivision

1 (a) shall not exceed the reasonable costs to the board for
2 administering this chapter.

3 (c) The startup funds to implement this chapter shall be derived,
4 as a loan, from the reserve of the fund, upon appropriation by the
5 Legislature, and the board is not required to implement this chapter
6 until those funds are appropriated.

7 *(d) The board shall not use the resources of the Board of*
8 *Behavioral Sciences in implementing or administering this chapter.*

9 ~~SEC. 2.~~

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.